

**IN THE CLAIMS:**

1. (Previously presented): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

notifying unit configured to notify a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting unit configured to detect a number of usable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the notifying number of usable channels and the detected number of usable channels.

2. (Previously presented): The communication apparatus according to claim 1, wherein the selecting unit selects the communication rate based on the notifying number.

3. (Previously presented): The communication apparatus according to claim 1, wherein the selecting unit selects the communication rate based on the detected number.

4. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit sets the notifying number of usable channels in control information being transmitted to the connected another communication apparatus.

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5. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects the number of the channels in control information being received from the connected another communication apparatus.

6. (Previously presented): A method in a communication apparatus for communicating over a plurality of channels, the method comprising:

notifying a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting a number of useable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting a communication rate based on the notifying number of usable channels and the detected number of usable channels.

7. (Canceled):

8. (Canceled):

9. (Canceled):

10. (Canceled):

11. (Previously presented): The method according to claim 6, wherein the communication rate is selected based on the notifying number.

12. (Previously presented): The method according to claim 6, wherein the communication rate is selected based on the detected number.

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13. (Previously presented): The method according to claim 6, wherein the notifying number of usable channels is set in control information being transmitted to the connected another communication apparatus.

14. (Previously presented): The method according to claim 6, wherein the detecting number is set in control information being received from the connected another communication apparatus.

15. (Previously presented): The method according to claim 6, wherein a number of usable channels assigned by a relay station being connected to the communication apparatus is notified to the connected another communication apparatus.

16. (Previously presented): The method according to claim 6, wherein a number of usable channels set by the communication apparatus is notified to the connected another communication apparatus.

17. (Previously presented): The method according to claim 6, wherein a number of usable channels assigned by a relay station is detected, the relay station being connected to the connected another communication apparatus.

18. (Previously presented): The method according to claim 6, wherein a number of usable channels set by the connected another communication apparatus is detected.

19. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit notifies the connected another communication apparatus of a number of usable channels assigned by a relay station being connected to the communication apparatus.

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20. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit notifies the connected another communication apparatus of a number of usable channels set by the communication apparatus.

21. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects a number of usable channels assigned by a relay station being connected to the connected another communication apparatus.

22. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects a number of usable channels set by the connected another communication apparatus.

23. (Previously presented): A control unit in a communication apparatus for communicating over a plurality of channels, the apparatus comprising:

notifying unit configured to notify a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting unit configured to detect a number of usable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the notifying number of usable channels and the detected number of usable channels.

24. (Previously presented): The control unit according to claim 23, wherein the selecting unit selects the communication rate based on the notifying number.

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25. (Previously presented): The control unit according to claim 23, wherein the selecting unit selects the communication rate based on the detected number.

26. (Previously presented): The control unit according to claim 23, wherein the notifying unit set the notifying number of usable channels in control information being transmitted to the connected another communication apparatus.

27. (Previously presented): The control unit according to claim 23, wherein the detecting unit detects the number of the channels in control information being received from the connected another communication apparatus.

28. (Previously presented): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

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notifying unit configured to notify a connected another communication apparatus of a first number of usable channels based on a first negotiation between the communication apparatus and a first relay station being connected to the communication apparatus;

detecting unit configured to detect a second number of usable channels based on a second negotiation between the connected another communication apparatus and a second relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the first number of usable channels and the second number of usable channels.

29. (Previously presented): The method of claim 28, wherein the first relay is the second relay.

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30. (New): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

obtaining unit configured to obtain a first number of usable channels based on a first negotiation between the communication apparatus and a first base station being connected to the communication apparatus;

obtaining unit configured to obtain a second number of usable channels based on a second negotiation between a connected another communication apparatus and a second base station being connected to the connected another communication apparatus; and

determining unit configured to determine a communication rate based on the first number of usable channels and the second number of usable channels.

31. (New): A communication apparatus for communicating over a plurality of channels via a network, the apparatus comprising:

obtaining unit configured to obtain a first number of usable channels based on a first negotiation between the communication apparatus and a first station of the network, the first station being connected to the communication apparatus;

obtaining unit configured to obtain a second number of usable channels based on a second negotiation between a connected another communication apparatus and a second station of the network, the second station being connected to the connected another communication apparatus; and

determining unit configured to determine a communication rate based on the first number of usable channels and the second number of usable channels.

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32. (New): A method for determining a communication rate of a first communication apparatus which communicates with a second communication apparatus at the communication rate, the method comprising:

determining a first number of usable channels between the first communication apparatus and a first base station being connected to the first communication apparatus based on a number of idle channels of the first base station;

determining a second number of usable channels between the second communication apparatus and a second base station being connected to the second communication apparatus based on a number of idle channels of the second base station; and

determining the communication rate based on the first number of usable channels and the second number of usable channels.

33. (New): A communication system in which a first communication apparatus communicates with a second communication apparatus at a communication rate, the system comprising:

determining unit configured to determine a first number of usable channels between the first communication apparatus and a first base station being connected to the first communication apparatus based on a number of idle channels of the first base station;

determining unit configured to determine a second number of usable channels between the second communication apparatus and a second base station being connected to the second communication apparatus based on a number of idle channels of the second base station; and

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determining unit configured to determine the communication rate based on the first number of usable channels and the second number of usable channels.

34. (New): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

obtaining unit configured to obtain a first usable data rate based on a first negotiation between the communication apparatus and a first base station being connected to the communication apparatus;

obtaining unit configured to obtain a second usable data rate based on a second negotiation between a connected another communication apparatus and a second base station being connected to the connected another communication apparatus; and

determining unit configured to determine a communication rate based on the first usable data rate and the second usable data rate.

35. (New): A communication apparatus for communicating over a plurality of channels via a network, the apparatus comprising:

obtaining unit configured to obtain a first usable data rate based on a first negotiation between the communication apparatus and a first station of the network, the first station being connected to the communication apparatus;

obtaining unit configured to obtain a second usable data rate based on a second negotiation between a connected another communication apparatus and a second station of the network, the second station being connected to the connected another communication apparatus; and

determining unit configured to determine a communication rate based on the first usable data rate and the second usable data rate.

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36. (New): A method for determining a communication rate of a first communication apparatus which communicates with a second communication apparatus at the communication rate, the method comprising:

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determining a first usable data rate between the first communication apparatus and a first base station being connected to the first communication apparatus on a total data rate of idle channels of the first base station;

determining a second usable data rate between the second communication apparatus and a second base station being connected to the second communication apparatus based on a total data rate of idle channels of the second base station; and

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determining the communication rate based on the first usable data rate and the second usable data rate.

37. (New): A communication system in which a first communication apparatus communicates with a second communication apparatus at a communication rate, the system comprising:

determining unit configured to determine a first usable data rate between the first communication apparatus and a first base station being connected to the first communication apparatus based on a total data rate of idle channels of the first base station;

determining unit configured to determine a second usable data rate between the second communication apparatus and a second base station being connected to the second communication apparatus based on a total data rate of idle channels of the second base station; and

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determining unit configured to determine the communication rate based on the first usable data rate and the second usable data rate.

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